

2005 Senate Bill 41

Date of enactment: **December 21, 2005**

Date of publication*: **January 6, 2006**

2005 WISCONSIN ACT 83

AN ACT *to amend* 16.045 (1) (b) 1., 16.045 (1) (c), 168.03 and 168.14 (2); and *to create* 168.14 (2m) of the statutes; **relating to:** the definition of biodiesel fuel and the labeling, advertising, and promoting of biodiesel fuel and biodiesel fuel blends for sale.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.045 (1) (b) 1. of the statutes is amended to read:

16.045 (1) (b) 1. ~~Bio-diesel~~ Biodiesel fuel.

SECTION 2. 16.045 (1) (c) of the statutes is amended to read:

16.045 (1) (c) “~~Bio-diesel~~ Biodiesel fuel” means a fuel derived from soybean oil with glycerine extracted from the oil that is comprised of monoalkyl esters of long chain fatty acids derived from vegetable oils or animal fats, either in pure form or mixed in any combination with petroleum-based diesel fuel.

SECTION 3. 168.03 of the statutes is amended to read:

168.03 Petroleum products defined. “Petroleum products” means gasoline, gasoline-alcohol fuel blends, kerosene, fuel oil, burner oil and diesel fuel oil.

SECTION 4. 168.14 (2) of the statutes is amended to read:

168.14 (2) No person may receive, unload, use, sell or offer for sale in this state, any gasoline, gasoline-alcohol fuel blends, kerosene, fuel oils, diesel fuels or other petroleum distillates which the person knows, or reasonably should know, is misidentified as to name or grade. Gasoline-ethanol blends that are identified in compliance with s. 168.11 when sold at retail are correctly

identified as to name. Biodiesel blends that are identified in compliance with sub. (2m) (c) 4. when sold at retail are correctly identified as to name.

SECTION 5. 168.14 (2m) of the statutes is created to read:

168.14 (2m) (a) “Biodiesel fuel” means a fuel that is comprised of monoalkyl esters of long chain fatty acids derived from vegetable oils or animal fats.

(b) No person may represent, advertise, label, or otherwise promote for sale a fuel as being biodiesel fuel unless the fuel meets all of the following requirements:

1. The fuel is registered as biodiesel fuel by a manufacturer under 40 CFR Part 79.

2. The fuel is pure biodiesel fuel, is identified as such with the alphanumeric B100, and does not contain any petroleum product, any additive, or other foreign material.

3. The fuel meets all of the applicable requirements of the American Society for Testing and Materials.

(c) No person may represent, advertise, label, or otherwise promote for sale a fuel as being a blend of biodiesel and petroleum-based fuel unless the fuel meets all of the following requirements:

1. The volume percentage of the biodiesel fuel to the petroleum-based fuel is at least 2 percent.

2. The fuel is blended with petroleum-based diesel fuel.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

2005 Wisconsin Act 83

– 2 –

2005 Senate Bill 41

3. The fuel meets all of the applicable requirements of the American Society for Testing and Materials.

4. The volume percentage under subd. 1. is disclosed to the purchaser and is identified by use of the alphanumeric Bxx, with a number replacing the xx in the alpha-

numeric and with that number representing the volume percentage of biodiesel fuel in the biodiesel fuel blend.

SECTION 6m. Effective date.

(1) This act takes effect on July 1, 2007.
